

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 05-0485.01 Karen Woods

SENATE BILL 05-055

SENATE SPONSORSHIP

Johnson, and Isgar

HOUSE SPONSORSHIP

Hodge, Larson, Lundberg, and Plant

Senate Committees

Agriculture, Natural Resources & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING LIMITED DISTRIBUTION OF RAW MILK TO CONSUMERS**
102 **WHO HAVE A CONSENSUAL OR CONTRACTUAL RELATIONSHIP**
103 **WITH PRODUCERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Allows a consumer with a consensual or contractual relationship with a farmer or dairyperson or an ownership interest in the cow, goat, or herd providing the milk to obtain raw milk from the farmer or dairyperson.

Requires that the raw milk be identified when delivered to the consumer or that a label be affixed to the milk container. Requires a farm or dairy to provide the consumer with a description of the standards used

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 21, 2005

by the farm or dairy with respect to herd health.

Requires that a farm or dairy that produces raw milk register with the Colorado department of agriculture.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 SECTION 1. Part 1 of article 5.5 of title 25, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 25-5.5-117. Raw milk. (1) THE ACQUISITION OF RAW MILK FROM
6 COWS OR GOATS BY A CONSUMER FOR USE OR CONSUMPTION BY THE
7 CONSUMER SHALL NOT CONSTITUTE THE SALE OF RAW MILK AND SHALL
8 NOT BE PROHIBITED IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

9 (a) THE OWNER OF A COW, GOAT, COW SHARES, OR GOAT SHARES
10 SHALL RECEIVE RAW MILK DIRECTLY FROM THE FARM OR DAIRY WHERE
11 THE COW, GOAT, OR DAIRY HERD IS LOCATED AND THE FARM OR DAIRY IS
12 REGISTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION. A PERSON
13 WHO IS THE OWNER OF A COW SHARE OR GOAT SHARE IN A COW, GOAT, OR
14 DAIRY HERD MAY RECEIVE RAW MILK ON BEHALF OF ANOTHER OWNER OF
15 THE SAME COW, GOAT, OR DAIRY HERD. A PERSON WHO IS NOT AN OWNER
16 OF A COW SHARE OR GOAT SHARE IN THE SAME COW, GOAT, OR DAIRY HERD
17 SHALL NOT RECEIVE RAW MILK ON BEHALF OF THE OWNER OF A COW
18 SHARE OR GOAT SHARE.

19 (b) THE MILK IS OBTAINED PURSUANT TO A COW SHARE OR A GOAT
20 SHARE. A COW SHARE OR A GOAT SHARE IS AN UNDIVIDED INTEREST IN A
21 COW, GOAT, OR HERD OF COWS OR GOATS, CREATED BY A WRITTEN
22 CONTRACTUAL RELATIONSHIP BETWEEN A CONSUMER AND A FARMER THAT
23 INCLUDES A LEGAL BILL OF SALE TO THE CONSUMER FOR AN INTEREST IN
24 THE COW, GOAT, OR DAIRY HERD AND A BOARDING CONTRACT UNDER

1 WHICH THE CONSUMER BOARDS THE COW, GOAT, OR DAIRY HERD IN WHICH
2 THE CONSUMER HAS AN INTEREST WITH THE FARMER FOR CARE AND
3 MILKING, AND UNDER WHICH THE CONSUMER IS ENTITLED TO RECEIVE A
4 SHARE OF MILK FROM THE COW, GOAT, OR DAIRY HERD.

5 (c) A PROMINENT WARNING STATEMENT THAT THE MILK IS NOT
6 PASTEURIZED IS DELIVERED TO THE CONSUMER WITH THE MILK OR IS
7 DISPLAYED ON A LABEL AFFIXED TO THE MILK CONTAINER; AND

8 (d) INFORMATION DESCRIBING THE STANDARDS USED BY THE FARM
9 OR DAIRY WITH RESPECT TO HERD HEALTH, AND IN THE PRODUCTION OF
10 MILK FROM THE HERD, IS PROVIDED TO THE CONSUMER BY THE FARMER
11 TOGETHER WITH RESULTS OF TESTS PERFORMED ON THE COWS OR GOATS
12 THAT PRODUCED THE MILK, TESTS PERFORMED ON THE MILK, AND AN
13 EXPLANATION OF THE TESTS AND TEST RESULTS.

14 (2) REGISTRATION OF A FARM OR DAIRY AS REQUIRED BY
15 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL BE
16 ACCOMPLISHED BY DELIVERING TO THE COLORADO DEPARTMENT OF
17 PUBLIC HEALTH AND ENVIRONMENT A WRITTEN STATEMENT CONTAINING:

18 (a) THE NAME OF THE FARMER, FARM, OR DAIRY;

19 (b) A VALID, CURRENT ADDRESS OF THE FARMER, FARM, OR DAIRY;

20 AND

21 (c) A STATEMENT THAT RAW MILK IS BEING PRODUCED AT THE
22 FARM OR DAIRY.

23 (3) RETAIL SALES OF RAW, UNPASTEURIZED MILK SHALL NOT BE
24 ALLOWED. RESALE OF RAW MILK OBTAINED FROM A COW SHARE OR GOAT
25 SHARE IS STRICTLY PROHIBITED. RAW MILK THAT IS NOT INTENDED FOR
26 PASTEURIZATION SHALL NOT BE SOLD TO, OR OFFERED FOR SALE AT,
27 FARMERS' MARKETS, EDUCATIONAL INSTITUTIONS, HEALTH CARE

1 FACILITIES, NURSING HOMES, GOVERNMENTAL ORGANIZATIONS, OR ANY
2 FOOD ESTABLISHMENT.

3 (4) NO PERSON WHO, AS A CONSUMER, OBTAINS RAW MILK IN
4 ACCORDANCE WITH THIS SECTION SHALL BE ENTITLED TO SELL OR
5 REDISTRIBUTE THE MILK.

6 (5) NO PRODUCER OF RAW MILK SHALL PUBLISH ANY STATEMENT
7 THAT IMPLIES APPROVAL OR ENDORSEMENT BY THE COLORADO
8 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

9 **SECTION 2. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.